

ORDINANCE NO. 2004- 016

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PERTAINING TO THE ASSESSMENT OF ADDITIONAL COURT COSTS PURSUANT TO SECTION 938.13, FLORIDA STATUTES; PROVIDING FOR TITLE; PROVIDING FOR AUTHORITY; PROVIDING FOR IMPOSITION OF ADDITIONAL COURT COSTS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 938.13, Florida Statutes, provides for imposition of an additional cost of \$15 when any person, on or after October 1, 1988, is found guilty of any misdemeanor under the laws of this state in which the unlawful use of drugs or alcohol is involved; and

WHEREAS, Section 938.13, Florida Statutes, provides that the costs imposed under that section only apply in a county in which the board of county commissioners has adopted an ordinance requiring the collection of such costs; and

WHEREAS, the Palm Beach County Board of County Commissioners desires to adopt an ordinance pursuant to Section 938.13, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Title.

This Ordinance shall be titled the "Palm Beach County Alcohol and Other Drug Abuse Trust Fund Ordinance."

Section 2. Authority.

This Ordinance is enacted pursuant to the authority vested in the County by Section 938.13, Florida Statutes.

Section 3. Imposition of Additional Court Costs.

A. When any person, on or after October 1, 1988, is found guilty of any misdemeanor under the laws of this state in which the unlawful use of drugs or alcohol is involved, there shall be imposed an additional cost in the case, in addition to any other cost required to be imposed by law, in the sum of \$15.

B. The Clerk of the Court shall collect the \$15 court cost and forward \$14 to the County. The County shall deposit the funds in the County Alcohol and Other Drug Abuse Trust Fund for allocation to local substance abuse programs under Section 893.165, Florida Statutes. The Clerk of the Court shall retain the remaining \$1 of each \$15 collected as a service charge.

Section 4. Repeal of Laws in Conflict.

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

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Section 5. Severability.

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 6. Inclusion in the Code of Laws and Ordinances:

The provisions of this Ordinance shall become and be made a part of the Palm Beach County Code. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 7. Effective Date.

The provisions of this Ordinance shall become effective on July 1, 2004.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the 22 day of June, 2004.

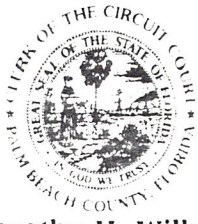
<p>DOROTHY H. WILKEN, CLERK</p> <p>By: <u>Linda C. Hickman</u> Deputy Clerk</p>	<p>PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS</p> <p>By: <u>Karen T. Marcus</u> Chair</p>
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APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: Anna Burke
County Attorney

Filed with the Department of State on the 24 day of June, 2004.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the Board of County Commissioners certify this to be a true and correct copy of the original filed in my office on June 22, 2004
DATED at West Palm Beach, FL on 7/13/04
DOROTHY H. WILKEN, Clerk
2 By: Wane Brown D.C



Dorothy H. Wilken
Clerk

CLERK TO THE
BOARD OF COUNTY COMMISSIONERS

PALM BEACH COUNTY, FLORIDA

JUN 23 2004

June 21, 2004

INTER-OFFICE COMMUNICATION

TO: Robert Weisman, County Administrator
Nancy Banner, Clerk's Attorney
Susan Taylor, County Attorney's Office
Sharon Burrows, Assistant County Attorney (2004-009)
Dawn Wynn, Assistant County Attorney (2004-010, 2004-011, 2004-012)
Barry Krischer, State Attorney
Joan Fowler, Asst. Attorney General
Joe Bradshaw, Attorney Sheriff's Office
Barbara Alterman, Executive Director, PZ&B
Roland Holt, Building Director
Lorenzo Aghemo, Planning Director
Law Library - PBC Courthouse
James Titcomb, PBC League of Cities Inc.(G.C.-10th FL)
(4) County Library Serials Dept.
Steve Delai, Fire Rescue
Mary McGee, Interim Economic Development Director

FR: John W. Dame
Chief Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCES CITED AS:

2004-009	amending Ordinance 98-21 relating to fireworks and sparklers
2004-010	granting an exemption from certain ad valorem taxation for Cypress Cooling, LLC
2004-011	granting an exemption from certain ad valorem taxation for Hennessy Dental Laboratory, Inc.
2004-012	revoking the ad valorem exemption granted to Lake Worth Generation, LLC

The above ordinances, have been approved by the Board of County Commissioners, filed with Florida Department of State and forwarded to Municipal Code Corporation for codification.

EFFECTIVE DATE: UPON FILING WITH DEPT. OF STATE OR OTHER DATE AS DIRECTED BY THE BOARD

Prior to distribution and publication, a proof copy of the supplement(s) should be provided to the County Attorney's Office for review and approval.

JWD:db

Encl.